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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,531	05/12/2006	Fredrik Gustavsson	0100508/0538460	1510
26874	7590	07/29/2008	EXAMINER	
FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			WACHSMAN, HAL D	
		ART UNIT		PAPER NUMBER
		2857		
		NOTIFICATION DATE	DELIVERY MODE	
		07/29/2008	ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patents@fbtlaw.com](mailto:patents@fbtlaw.com)



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10563531	5/12/06	GUSTAVSSON, FREDRIK	0100508/0538460

## EXAMINER

FROST BROWN TODD, LLC  
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201 E. FIFTH STREET  
CINCINNATI, OH 45202

Hal D. Wachsman

## ART UNIT

## PAPER

2857                  20080331

## DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attachment.

March 31, 2008

/Hal D Wachsman/  
Primary Examiner  
Art Unit: 2857

1. The reply filed on 1-25-08 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

- a) The replacement pages filed for pages 5, 13 and 21, of the specification are improper under 37 C.F.R. 1.121 because under 37 C.F.R. 1.121 specification amendments are made via replacement paragraphs with the appropriate mark-ups to show any text that has been deleted or added. Appropriate correction is required.
- b) The amended Abstract submitted is improper under 37 C.F.R. 1.121 because there are no markings to show what has been deleted or added. In addition, the Abstract should not be labeled as "REPLACEMENT PAGE" at top. Appropriate correction is required.
- c) The replacement sheet drawings filed are improper under 37 C.F.R. 1.121 because at the top these drawings are labeled as "REPLACEMENT PAGE". However, under 37 C.F.R. 1.121 replacement drawing sheets must be identified in the top margin as "Replacement Sheet". Appropriate correction is required.
- d) With respect to paragraph 2 of the prior Office action sent 9-7-07, the Applicant states on page 11 of the reply that "The Examiner has also pointed out that two of the inventors are not listed on the filing receipt of the present application and that the PCT version of this application is cited as a priority application, rather than as the basis of a PCT national entry of that application. Both of those issues will be addressed separately with the patent office." However, the Examiner respectfully notes that review of the image file wrapper for the application does not show yet any communications from the Applicant to the Office with respect to resolving the types of problems noted

with respect to the declaration, filing receipt and foreign priority benefits in paragraph 2 of the prior Office action. Appropriate correction is required.

e) Amended claim 5 is improper under 37 C.F.R. 1.121 because this claim when compared to the prior version of claim 5 (see claims filed 10-9-06) shows that there is text that has been deleted without the appropriate markings to show the deletion (for example, the text "The method of claim 1..." was deleted from line 1 of claim 5 without the appropriate markings), text has been added without underlining it (for example, see steps a and b, of amended claim 5) and text that is the same as the text that was in the previous version of claim 5 has been underlined (for example, see in amended claim 5 "Fourier transforming...", "calculating a phase function....").

Appropriate correction is required.

f) The reply filed 1-25-08 does not present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references (see 37 C.F.R. 1.111(b)). No arguments were presented with respect to newly presented claims 16-19 concerning the applied prior art of record. With respect to the previous claims which had prior art rejections, the Applicant states on page 12 of the reply "The Examiner has also indicated that claims 3-7 cover allowable subject matter. The Applicant has amended the claims herein such that they all contain the limitations of claim 3.....In light of that, there is no need to discuss in this response the specific prior art rejections made by the Examiner." However, paragraph 15 of the prior Office action stated "Claim 3-7 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.... Claim 3 depended from claim 2, however the *limitations of claim 2 which is an intervening claim were not included in the amendments made* and as required by 37 C.F.R. 1.111(b), no arguments were presented pointing out the specific distinctions believed to render these amended claims patentable over the applied prior art of record. Appropriate correction is required.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hal D Wachsman/  
Primary Examiner  
Art Unit 2857

March 31, 2008